

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

WILLIAM E. DUGAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 08 C 1643
)	
FUERTES SYSTEMS LANDSCAPING,)	JUDGE MILTON I. SHADUR
INC., an Illinois corporation,)	
)	
Defendant.)	

**MOTION FOR ENTRY OF DEFAULT AND
FOR AN ORDER DIRECTING AN AUDIT**

NOW COME Plaintiffs, by their attorneys, and move for entry of default and for an order directing an audit of the payroll books and records of FUERTES SYSTEMS LANDSCAPING, INC., an Illinois corporation, Defendant herein, said Defendant having failed to answer or otherwise plead to the Complaint and an audit being necessary to liquidate Plaintiffs' claims. Specifically, Plaintiffs' auditors require the following documents to complete the audit of Defendant's payroll books and records:

- Specific job descriptions for all employees
- Quickbooks payroll reports or comparable for all employees from March 1, 2006 through December 31, 2007 showing hours worked and paid and wage rates
- 2006 Form 940; 2007 Form 940
- 2006 Illinois 941's for all four quarters
- 2006 time sheets for all other employees not reported to Local 150
- 2007 payroll tax returns for all four quarters including 941's, Illinois 941's, and Illinois UC-3's
- 2007 W-2's and W-3; 2007 1099's
- 2007 cash disbursement journals
- 2007 time sheets for all employees

On April 3, 2008, the Summons and Complaint was served on the Registered Agent (by tendering a copy of said documents to his sister, Irma Hurtado) at his place of business (a copy of the Summons and Affidavit of Service is attached hereto). Therefore, Defendant's answer was due on April 23, 2008. As Defendant has failed to timely answer the Complaint, Plaintiffs respectfully request entry of default.

/s/ Beverly P. Alfon

Beverly P. Alfon
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
Chicago, IL 60606-5231
Bar No.: 6274459
Telephone: (312) 236-4316
Facsimile: (312) 236-0241
E-Mail: balfon@baumsigman.com

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Default and for an Order Directing an Audit) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 2nd day of May 2008:

Mr. Rafael G. Hurtado, Registered Agent
Fuentes Systems Landscaping, Inc.
2007 Cumberland Drive
Plainfield, IL 60544

/s/ Beverly P. Alfon _____

Beverly P. Alfon
Attorney for Plaintiffs
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 West Adams Street, Suite 2200
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AO 440 (Rev. 05/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

WILLIAM E. DUGAN, et al.

CASE NUMBER: 08CV1643

V.

ASSIGNED JUDGE: JUDGE SHADUR

FUERTES SYSTEMS LANDSCAPING, INC.,
an Illinois corporation

DESIGNATED
MAGISTRATE JUDGE: MAGISTRATE JUDGE SCHENKIER

TO: (Name and address of Defendant)

Fuertes Systems Landscaping, Inc.
c/o Rafael G. Hurtado, Registered Agent
2007 Cumberland Drive
Plainfield, IL 60544

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Beverly P. Alfon
BAUM SIGMAN AUERBACH & NEUMAN, LTD.
200 W. Adams Street, Suite 2200
Chicago, IL 60606-5231
(312) 236-4316

an answer to the complaint which is herewith served upon you, within Twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Michael W. Dobbins, Clerk

Amiya Ellis

(By) DEPUTY CLERK



March 20, 2008

Date

RECEIVED
2008 MAR 24 AM 11:54
CLERK'S OFFICE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

WILLIAM E DUGAN, ET AL
-VS-
FUERTES SYSTEMS LANDSCAPING, IN

BAUM SIGMAN AUERBACH & NEUMAN, LTD
200 W ADAMS ST
SUITE 2200
CHICAGO, IL 60606

PAID

DESCRIPTION	DATE	ATTEMPTED SERVICES	TIME	BADGE #
SUMMONS & COMPLAINT				
ISSUED: 3/31/08	EXPIRES: 4/19/08			
FEES: 50.00	EVC/DEP:			
PERSON TO BE SERVED				
FUERTES SYSTEMS LANDSCAPING INC 2007 CUMBERLAND DRIVE PLAINFIELD, IL 60544	NOTES: SERVE/ C/O RAFAEL G HURTADO REG AGENT			

I CERTIFY THAT I HAVE SERVED THE ATTACHED PROCESS ON THE DEFENDANT AS FOLLOWS:

- (A) ☐ PERSONAL SERVICE: BY LEAVING A COPY OF THE ☐ SUMM/COMP ☐ CITATION
☐ RULE ☐ ORDER ☐ SUBPOENA ☐ NOTICE ☐ JUDGEMENT
☐ SUMMONS/PETITION FOR ORDER OF PROTECTION ☐ ORDER OF PROTECTION.
☐ CIVIL NO-CONTACT ORDER.
- (B) ☐ SUBSTITUTE SERVICE: BY LEAVING A COPY OF THE ☐ SUMM/COMP ☐ CITATION
☐ NOTICE ☐ JUDGEMENT ☐ ORDER OF POSSESSION AT THE USUAL PLACE OF
ABODE WITH SOME PERSON OF THE FAMILY 13 YEARS OR OLDER AND INFORMING
SAID PERSON OF THE CONTENTS. ALSO, A COPY OF THE WRIT WAS MAILED TO
THE DEFENDANT AT HIS/HER USUAL PLACE OF ABODE ON _____. (date)
- (C) ☒ SERVICE ON: ☒ CORPORATION ☐ COMPANY ☐ BUSINESS by leaving a
COPY OF THE ☒ SUMM/COMP ☐ CITATION ☐ RULE ☐ ORDER ☐ NOTICE
☐ JUDGEMENT ☐ SUBPOENA WITH THE REGISTERED AGENT, AUTHORIZED PERSON
OR PARTNER OF THE DEFENDANT.
- (D) ☐ OTHER SERVICE: ☐ CERTIFIED MAIL ☐ POSTING
- (E) ☐ THE NAMED DEFENDANT WAS NOT SERVED:
☐ MOVED ☐ NOT LISTED ☐ RETURNED BY ATTY. ☐ EXPIRED
☐ NO CONTACT ☐ NO SUCH ADDRESS ☐ DECEASED ☐ OTHER REASON

PERSON TO BE SERVED: Fuertes Systems Landscaping Inc

SERVING ADDRESS: 2007 Cumberland Dr. Plainfield

WRIT SERVED ON: Irma Hurtado RELATIONSHIP: Sister
SEX F (M/F) RACE H DOB 26

THIS 3 DAY OF April 20 08 TIME 1130 HOURS

PAUL J. KAUPAS, SHERIFF, BY Rp J. Mauer DEPUTY # 739

REMARKS: _____